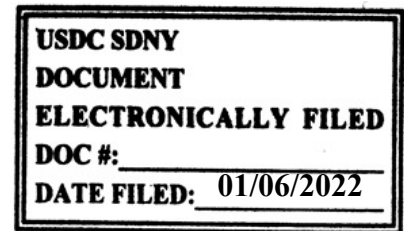




United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

January 5, 2022



**MEMO ENDORSED**

**VIA ECF**

The Honorable Katherine H. Parker  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

Re: *First on First Deli, et al. v. United States of America*, 21 Civ. 6965 (ALC) (KHP)

Dear Judge Parker:

I represent the United States of America (the “Government”) in the above-captioned action in which Plaintiffs First on First Deli and Yasin Algabyali seek judicial review of a final order from the United States Department of Agriculture, disqualifying them from participating in the Supplemental Nutrition Assistance Program. I write on behalf of all parties to respectfully request that the Court adjourn the initial pretrial conference, previously scheduled for January 13, 2022, for two weeks.

Plaintiffs filed the complaint in this action on August 19, 2021. (ECF No. 1). The Government filed an answer to the complaint on November 15, 2021 (ECF No. 6) and then filed an amended answer on November 17, 2021 (ECF No. 8). On December 15, 2021, the Court entered the parties’ proposed protective order. (ECF No. 12). Then, on December 20, 2021, the Government produced the certified administrative record to counsel for Plaintiffs. Since that time, counsel for the Government and for Plaintiffs have engaged in several meet-and-confers to discuss a potential resolution to the case as well as the scope and types of discovery. While the parties have made substantial progress, they believe that an additional two weeks will permit them to have a better understanding of whether this case can be resolved without discovery.

This is the parties’ first request for an adjournment of the initial pretrial conference. We thank the Court for its consideration of this request.

**APPLICATION GRANTED:** The telephonic Initial Case Management Conference in this matter scheduled for Thursday, January 13, 2022, at 12:00 p.m. is hereby rescheduled to Monday, January 31, 2022 at 10:30 a.m. Counsel for the parties are directed to call Judge Parker's AT&T conference line at the scheduled time. Please dial (866) 434-5269; access code 4858267.

**APPLICATION GRANTED**

*Katharine H. Parker*

Hon. Katharine H. Parker, U.S.M.J.

01/05/2022

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Tara Schwartz  
TARA SCHWARTZ  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, NY 10007  
Tel.: (212) 637-2633  
Email: tara.schwartz@usdoj.gov

cc: Plaintiffs (via ECF)